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EXAMINER

SHUMATE, ANTHONY R

ART UNIT	PAPER NUMBER
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1797

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary	Application No. 10/583,938	Applicant(s) BARDON ET AL.	
	Examiner ANTHONY SHUMATE	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2010 and 05 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18,20-25,27,29,30,34-36 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18,20-25,27,29,30,34-36 and 38-41 is/are rejected.
- 7) ☒ Claim(s) 18,20-25,27,35,36 and 38-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Amendment filed 5 May 2010 has been entered and fully considered.
2. Claims 18, 20-25, 27, 29, 30, 34-36, and 38-41 are pending, of which claims 18, 20-23, 27, 29, 30, 34, and 35 were amended, and claim 39-41 are new.
3. The previous drawing objection at section 6 of the previous Office Action is withdrawn in light of Applicant's amendments to the claims.
4. The previous drawing objection at sections 7-9 of the previous Office Action are withdrawn in light of Applicant's amendments to the drawings.
5. The previous specification objection at section 10 of the previous Office Action is withdrawn in light of Applicant's amendments to the claims.
6. The previous specification objection at sections 11 and 12 of the previous Office Action are withdrawn in light of Applicant's amendments to the specification.
7. The first portion of the previous claim objection at section 13 of the previous Office Action is withdrawn in light of Applicant's amendments to the claims.
8. The previous claim objection at section 14 of the previous Office Action is withdrawn in light of Applicant's amendments to the claims.
9. The previous 35 USC 112 rejection at section 16 of the previous Office Action is withdrawn in light of Applicant's amendments to the claims.
10. The previous 35 USC 112 rejection at section 17 of the previous Office Action is withdrawn in light of Applicant's amendments to the claims.

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11. The previous 35 USC 112 rejection at section 18 of the previous Office Action has been withdrawn in light of Applicant's arguments at page 15 paragraphs 2 and 3.

12. The previous 35 USC 112 rejection at sections 19 and 20 of the previous Office Action are withdrawn after further consideration.

13. The previous 35 USC 112 rejection at section 21 with regard to claim 38 of the previous Office Action has been withdrawn in light of Applicant's arguments at page 16 last paragraph – page 17 first paragraph.

14. The previous 35 USC 112 rejection at section 23 of the previous Office Action is withdrawn in light of Applicant's amendments to the claims.

15. The previous 35 USC 112 rejection at section 24 of the previous Office Action is withdrawn in light of Applicant's amendments to the claims.

16. The previous 35 USC 112 rejection at section 25 of the previous Office Action is withdrawn in light of Applicant's amendments to the claims.

17. The previous 35 USC 112 rejection at section 26 of the previous Office Action is withdrawn in light of Applicant's amendments to the claims.

18. The previous 35 USC 112 rejection at section 27 of the previous Office Action is withdrawn in light of Applicant's amendments to the claims.

19. The previous 35 USC 112 rejection at section 28 of the previous Office Action is withdrawn in light of Applicant's amendments to the claims.

Information Disclosure Statement

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20. Any foreign language documents submitted by applicant has been considered only to the extent of the short explanation of significance, English abstract or English equivalent, if appropriate.

21. The listing of references in the Applicant Arguments/Remarks Made in an Amendment is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

22. Claims 18, 20-25, 27, 35, 36, 38- 41 objected to because of the following informalities:

Instant claim 18 has the phrase, "the 'reinforced channel'," which, respectively, is grammatically incorrect. For the phrase as written in the claim, the comma should come before the second quotation mark.

Instant claim 18 has the phrases, "channels being bounded by a side wall," and "a first portion of the side wall of at least one of said channels, called, 'reinforced channel', comprises a reinforcement compared to remaining portions of said side wall,"

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which are confusing. Instant figure 4 has “channels being bounded by side walls,” not “a side wall.” As well, instant figure 4 has, “a side wall of at least one of said channels with a reinforcement compared to remaining side walls,” not “a first portion of the side wall of at least one of said channels, called, ‘reinforced channel’, comprises a reinforcement compared to remaining portions of said side wall.” Therefore, the claim is confusing when compared to the drawings, and this confusion appears to be substantially the result of the use of the phrase, “side wall.”

Also, it is noted that the Applicant has the phrase “side walls,” at claim 40.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

23. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

24. Claim 29, 30, 34 and 36 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

For instant claim 29, the disclosure does not provide support for the phrase, “**An extrusion die** conformed to form, by extrusion of a ceramic material, a structure provided with channels suitable for the fabrication of a filter block comprising a plurality of flow channels for exhaust gases, each of said channels being bounded by a side wall, a **plug** and an opening terminating outwardly.” (bolding added for emphasis)

The instant specification states at page 1 line 27, “**After extrusion**, the extruded porous structures are alternately plugged.” (bolding added for emphasis) Therefore, the disclosure does not provide support for the phrase.

For instant claim 30, the disclosure does not provide support for the phrases, “a die having a structure” and “said structure comprising said reinforcement.”

The preamble of claim 30 has the phrase, “a **block** comprising a plurality of flow channels for exhaust gases, each of said channels being bounded by a side wall, a plug and an opening terminating outwardly, wherein a first portion of the side wall of at least one of said channels, called, “reinforced channel”, comprises a **reinforcement**.” (bolding added for clarity)

For instant claim 34, the disclosure does not provide support for the phrases, “a die having a structure” and “said structure comprising said reinforcement.”

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The preamble of claim 34 has the phrase, “**filter blocks** each comprise a plurality of flow channels for exhaust gases, each of said channels being bounded by a side wall, a plug and an opening terminating outwardly, wherein a first portion of the side wall of at least one of said channels, called, ‘reinforced channel’, comprises a **reinforcement**.” (bolding added for clarity)

The limitations of claim 36 were not supported by the original disclosure.

25. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

26. Claims 29, 30, and 34 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For instant claim 29, the disclosure is unclear as to how an, “**An extrusion die** [is] conformed to form, by extrusion of a ceramic material, a structure provided with channels suitable for the fabrication of a filter block comprising a plurality of flow channels for exhaust gases, each of said channels being bounded by a side wall, a **plug** and an opening terminating outwardly.” (bolding added for emphasis)

The instant specification states at page 1 line 27, “**After extrusion**, the extruded porous structures are alternately plugged.”

Claim 30 recites the limitation "filter block" in said filter block. There is insufficient antecedent basis for this limitation in the claim.

Claim 30 has the phrase, "a die having a structure" and "said structure comprising said reinforcement," which is unclear since the preamble of claim 30 has the phrase, "a **block** comprising a plurality of flow channels for exhaust gases, each of said channels being bounded by a side wall, a plug and an opening terminating outwardly, wherein a first portion of the side wall of at least one of said channels, called, "reinforced channel", comprises a **reinforcement**." (bolding added for clarity)

Claim 34 has the phrase, "a die having a structure" and "said structure comprising said reinforcement," which is unclear since the preamble of claim 34 has the phrase, "**filter blocks** each comprise a plurality of flow channels for exhaust gases, each of said channels being bounded by a side wall, a plug and an opening terminating outwardly, wherein a first portion of the side wall of at least one of said channels, called, 'reinforced channel', comprises a **reinforcement**." (bolding added for clarity)

(Respectively, the indefiniteness of claims 29, 30 and 34 has rendered the claims un-examinable.)

Claim Rejections - 35 USC § 102

27. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claims 18, 20-25, 27, 35, 36, and 38-41 rejected under 35 U.S.C. 102(b) as anticipated by HASHIMOTO et al. (JP 2003/010616) ("HASHIMOTO") or, in the alternative, under 35 U.S.C. 103(a) as obvious over HASHIMOTO et al. (JP 2003/010616) ("HASHIMOTO") in view of Applicant's admission.

For convenience the HASHIMOTO et al. (US 7,037,567 B2) will be used for reference as an official translation of HASHIMOTO et al. (JP 2003/010616).

For instant **claim 18**, HASHIMOTO teaches at the figures particularly figures 1(a) and 1(b) a plurality of one-piece blocks (2).

Also for instant **claim 18**, HASHIMOTO teaches at the figures and column 7 lines 14-17 adhesive (i.e. seals) assembled with the blocks (2).

Also for instant **claim 18**, HASHIMOTO teaches at the figures and column 7 lines 23-25 the Si content of the adhesive, specified by $\text{Si}/(\text{Si}+\text{SiC})$ is higher than that of the honeycomb segment (i.e. a nature of a material of said seals being different from a nature of a material of said blocks).

Also for instant **claim 18**, HASHIMOTO teaches at the figures and column 1 lines 1-10 and column 8 lines 47-51 a plurality of the blocks (2) each comprising a plurality of flow channels for the exhaust gases, each of the channels being bounded by a side wall, a plug and an opening terminating outwardly.

Also for instant **claim 18**, HASHIMOTO teaches at the figures and column 5 lines 22-33 a first portion (14) of the side wall of a channel (i.e. reinforced channel) has a reinforcement compared to remaining portions of the side wall that form a second portion (10) of the side wall.

Also for instant **claim 18**, HASHIMOTO teaches at the figures and column 5 lines 22-33 a ratio of a thickness of the first portion (14) to a thickness of the second portion (10), in a transverse plane of section.

HASHIMOTO does not specifically teach a ratio of a thickness of said first portion to a thickness of said second portion, in a transverse plane of section, being always between 1.1 and 3

But, HASHIMOTO teaches at the figures and column 5 lines 22-33 a ratio of a thickness of the first portion (14) to a thickness of the second portion (10) , in a transverse plane of section, being always between 1.5 to 5 times.

It is the Examiner's position that the range of 1.5 to 5 overlaps the claimed range of between 1.1 and 3, thereby providing a case of anticipation. (MPEP 2131.02 PART II)

Alternatively, it is the Examiner's position that the range of 1.5 to 5 overlaps the claimed range of between 1.1 and 3, thereby providing a prima facie case of obviousness. (MPEP 2144.05 PART I)

Also for instant **claim 18**, HASHIMOTO teaches at the figures and column 5 lines 22-33 the filter body has a plurality of adjacent reinforced channels arranged so that each first portion of the reinforced channels form a continuous reinforcing partition (14).

As well, it is the Examiner's position that the thickness of said reinforcing partition of HASHIMOTO is substantially constant. Additionally, it is the Examiner's position that the reinforcement is substantially constant of

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HASHIMOTO for all the reinforced channels of a group in any transverse plane of section.

Alternatively, Applicant admits on the record at page 1 lines 25-26 of the instant specification, "Conventionally, all the partitions of the two sets have the same thickness, that is, the side wall 22 of any channel 14 has a constant thickness."

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the thickness of the reinforcing partition of HASHIMOTO is substantially constant, and the reinforcement is substantially constant of HASHIMOTO for all the reinforced channels of a group in any transverse plane of section, since it was known in the art that conventionally the side wall (22) of any channel (14) has a constant thickness as admitted by Applicant on the record at page 1 lines 25-26 of the instant specification.

The Examiner notes the instant figure 4,

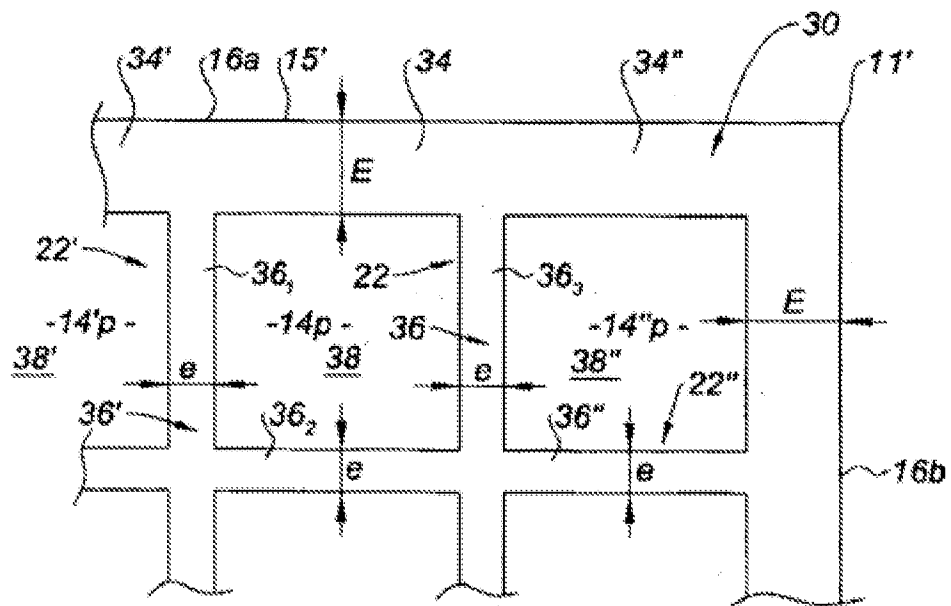
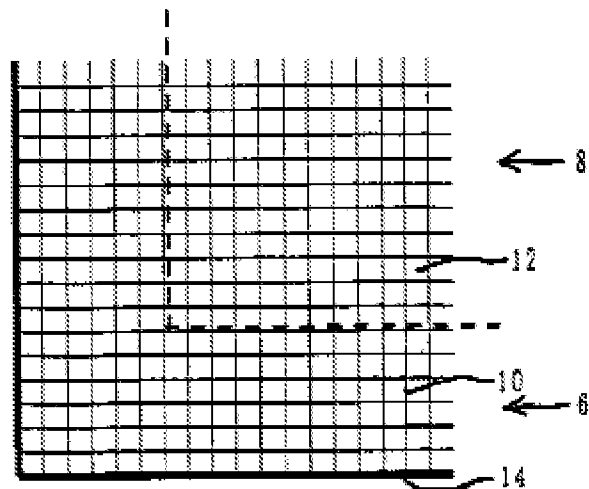


Fig. 4

and figure 5 of HASHIMOTO

FIG. 5



For instant claim 20, HASHIMOTO teaches at the figures particularly figure 5 and column 5 lines 22-33 wherein channels with the reinforcement (14) (i.e. the reinforced channels of the group) extend to a periphery of the block (2).

For instant claim 21, HASHIMOTO teaches at the figures particularly figure 5 and column 5 lines 22-33 wherein the first portion (14) has an external face defining an exterior of the block (2).

For instant claim 22, HASHIMOTO teaches at the figures particularly figure 5 and column 5 lines 22-33 wherein channels with the reinforcement (14) (i.e. the reinforced channels of the group) are arranged so that the reinforcing partition (14) overlaps a longitudinal edge of the filter block (2).

For instant claim 23, HASHIMOTO teaches at the figures particularly figure 5 and column 5 lines 22-33 wherein channels with the reinforcement (14) (i.e. the group of reinforced channels) comprises all peripheral channels of the block (2) so that the reinforcing partition surrounds the block (2), so that the reinforcing partition (14) is at an external surface of the block (2).

For instant claim 24, HASHIMOTO teaches at the figures particularly figure 5 and column 5 lines 22-33 a ratio of a thickness of the first portion (14) to

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a thickness of the second portion (10) , in a transverse plane of section, being always between 1.5 to 5 times.

It is the Examiner's position that the ratio of HASHIMOTO is constant irrespective of the transverse plane of section considered.

Alternatively, Applicant admits on the record at page 1 lines 25-26 of the instant specification, "Conventionally, all the partitions of the two sets have the same thickness, that is, the side wall 22 of any channel 14 has a constant thickness."

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the thickness of the side walls of the channels (10) of HASHIMOTO is constant, and the thickness of the reinforcing partition (14) of HASHIMOTO is constant (i.e. wherein the ratio is constant irrespective of the transverse plane of section considered), since it was known in the art that conventionally the side wall (22) of any channel (14) has a constant thickness as admitted by Applicant on the record at page 1 lines 25-26 of the instant specification.

For instant claim 25, HASHIMOTO teaches at the figures particularly figure 5 and column 5 lines 22-33 a reinforcement (14) of the block (2).

It is the Examiner's position that the reinforcement (14) of HASHIMOTO is substantially constant in any longitudinal plane of section of the block (2).

Alternatively, Applicant admits on the record at page 1 lines 25-26 of the instant specification, "Conventionally, all the partitions of the two sets have the same thickness, that is, the side wall 22 of any channel 14 has a constant thickness."

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the thickness of the reinforcing partition (14) of HASHIMOTO is substantially constant (i.e. wherein the reinforcement is substantially constant in any longitudinal plane of section of the block), since it was known in the art that conventionally the side wall (22) of any channel (14) has a constant thickness as admitted by Applicant on the record at page 1 lines 25-26 of the instant specification.

For instant claim 27, HASHIMOTO does not specifically teach the ratio is between 1.9 and 2.1

But, HASHIMOTO teaches at the figures and column 5 lines 22-33 a ratio of a thickness of the first portion (14) to a thickness of the second portion (10) being between 1.5 to 5 times.

It is the Examiner's position that the range of 1.5 to 5 overlaps the claimed range of between 1.9 and 2.1, thereby providing a case of anticipation. (MPEP 2131.02 PART II)

Alternatively, it is the Examiner's position that the range of 1.5 to 5 overlaps the claimed range of between 1.9 and 2.1, thereby providing a prima facie case of obviousness. (MPEP 2144.05 PART I)

For instant claim 35, HASHIMOTO teaches at the figures particularly figure 2(a) a block presenting the shape of a rectangular parallelepiped.

For instant claim 36, HASHIMOTO teaches at the figures and column 5 lines 22-33 wherein the assembled blocks have the reinforcement along their whole external surface (3).

For instant claim 38, HASHIMOTO teaches at the figures and column 5 lines 22-33 wherein the reinforcement of the reinforcing partition is arranged so that, in any transverse plane of section, a flow cross section of a reinforced (14) inlet channel and a reinforced (14) outlet channel are substantially identical to those of the other inlet and outlet channels.

For instant claim 39, HASHIMOTO does not specifically teach the ratio is substantially equal to 2

But, HASHIMOTO teaches at the figures and column 5 lines 22-33 a ratio of a thickness of the first portion (14) to a thickness of the second portion (10) between 1.5 to 5 times.

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It is the Examiner's position that the range of 1.5 to 5 overlaps the claimed range of substantially equal to 2, thereby providing a case of anticipation. (MPEP 2131.02 PART II)

Alternatively, HASHIMOTO states at column 5 lines 27-33, "When the average thickness of the side wall 14 is too large, too large a pressure loss appears and impairment of engine performance, etc. is incurred, which is not preferred. When the average thickness of the side wall 14 is too small, the meritorious effects of the present invention are not obtained sufficiently."

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a ratio is substantially equal to 2 with the device of HASHIMOTO, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. (MPEP 2144.05 II-B) *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

For instant claim 40, HASHIMOTO teaches at the figures and column 5 lines 22-33 a thickness of internal portions of the side walls (10) of peripheral channels of the blocks, and a thickness of walls (10) of internal channels of the blocks.

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It is the Examiner's position that the thickness of internal portions of the side walls (10) of peripheral channels of said blocks of HASHIMOTO is identical to a thickness of walls (10) of internal channels of said blocks of HASHIMOTO.

Alternatively, Applicant admits on the record at page 1 lines 25-26 of the instant specification, "Conventionally, all the partitions of the two sets have the same thickness, that is, the side wall 22 of any channel 14 has a constant thickness."

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the thickness of internal portions of the side walls (10) of peripheral channels of said blocks of HASHIMOTO is identical to a thickness of walls (10) of internal channels of said blocks of HASHIMOTO, since it was known in the art that conventionally the side wall (22) of any channel (14) has a constant thickness as admitted by Applicant on the record at page 1 lines 25-26 of the instant specification.

For instant claim 41, HASHIMOTO teaches at the figures and column 8 lines 47-51 inlet channels and outlet channels.

It is the Examiner's position that inherently, the cross-section of inlet channels of HASHIMOTO is different from the cross-section of outlet channels of HASHIMOTO. It is noted that the claim does not state what the difference

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between the cross-sections is. The difference could merely be that one cross-section is of inlet channels and the other cross-section is of outlet channels.

In the alternative, the subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have selected the overlapping portion of the range disclosed by the reference because overlapping ranges have been held to be a prima facie case of obviousness, see ***In re Malagari*, 182 U.S.P.Q. 549; *In re Wertheim* 191 USPQ 90 (CCPA 1976).**

30. Alternatively, claim 36 rejected under 35 U.S.C. 103(a) as being unpatentable over HASHIMOTO et al. (JP 2003/010616) ("HASHIMOTO") or, in the alternative, under 35 U.S.C. 103(a) as obvious over HASHIMOTO et al. (JP 2003/010616) ("HASHIMOTO") in view of Applicant's admission as applied to claims 18, 20-25, 27, 35, 36, and 38-41 above, and further in view of MATSUBARA et al. (US 6,060,148) ("MATSUBARA").

For instant claim 36, HASHIMOTO teaches at the figures and column 5 lines 22-33 assembled blocks

Also, MATSUBARA teaches at the abstract, the figures, particularly figure 6 and table 1 particularly comparative example 7 and inventive example 3 wherein the thickness of the outer peripheral wall is greater

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than the thickness of the other cell wall (i.e. a first portion of the side wall of a channel comprises a reinforcement compared to the rest of the side wall forming a second portion of the side wall). Also, MATSUBARA teaches at the figures particularly figure 6 and table 1 particularly comparative example 7 and comparative examples 9-12 and invention example 7-10 that if the thickness of the outer peripheral wall is greater than the thickness of the cell wall in outer peripheral portion the ceramic honeycomb body has no chipping. (For reference for table 1 of MATSUBARA, MATSUBARA teaches at page 6 lines 31-34 O: no chipping in five bodies, Δ : occurrence of acceptable fine chipping, \blacktriangle : occurrence of unacceptable large chipping in one or more bodies, and X: occurrence of unacceptable large chipping in three or more bodies.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the technique of the thickness of the outer peripheral wall is greater than the thickness of the other cell wall of MATSUBARA (i.e. reinforcement along their whole external surface) to the honeycomb body of HASHIMOTO for the benefit of reducing the occurrence of chipping in the honeycomb body.

Response to Arguments

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31. Applicant's arguments filed 5 May 2010 have been fully considered but they are not persuasive.

32. Applicant argues, "However, as pointed out in the Amendment of November 5, 2009, the relevance of these references is based on these references being cited in co-pending Application No. 10/583,941 filed by the present inventor."

a. Respectively, the Examiner disagrees that the Applicant pointed out in the Amendment of November 5, 2009, the relevance of each patent listed that is not in the English language.

b. As well, the description at page 10 third paragraph is not being accepted as a "concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language" which should be included with information disclosure statement.

1. First, the description at page 10 third paragraph appears to be an inaccurate description of the Amendment of November 5, 2009, rather than "a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c)."

2. Secondly, the correspondence filed 5 May 2010 did not include either " (1) The statement specified in paragraph (e) of this section; or (2) The fee set forth in § 1.17(p)," as required 37 CFR 1.97.

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33. Applicant argues at page 16 paragraph 3 –paragraph 4, that the recitation of claim 36 is supported by the disclosure at page 6, lines 20-24, and the Applicant highlights portions of page 6, lines 20-24 including the portion, “forming the external surface 16 of the block 11.”

a. Respectively, the Examiner does not find the argument persuasive.

Clearly, page 6, lines 20-24 is describing a single block, since the page 6, lines 20-24 states, “forming the external surface 16 of the block 11.” This is different from claim 36, since claim 36 recites the “assembled blocks” (i.e. a plurality of blocks).

34. Applicant argues at page 18 paragraph 4 – page 19 paragraph 1 that, “Amending the claims as above to incorporate the allowable subject matter is believed to obviate the rejection.”

a. Respectively, the Examiner does not find the argument persuasive. The amendment(s) to the claims has necessitated the new ground(s) of rejection presented in this Office action.

Conclusion

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY SHUMATE whose telephone number is (571)270-5546. The examiner can normally be reached on M-Th 9-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Marcheschi can be reached on (571)272-1374. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/A. S./
Examiner, Art Unit 1797

/Jason M. Greene/
Primary Examiner, Art Unit 1797